

Applicant: Dowling
Application No.: 10/749,053

REMARKS

Claims 1-16 are currently pending in this application. The Examiner has required that the Applicant select one group of the four groups identified groups for further prosecution. As indicated to the Examiner in a telephone conference on September 15, 2005, the Applicant respectfully elects Group I (i.e. Figures 1, 2A, 2B, and 3). The Applicant respectfully submits that claims 1-6 read on Group One. The Applicant reserves the right to prosecute claims 7-16 in a divisional application or other filing.

In the present Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,336,035 (Somoza et al.). The Examiner rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,522,888 (Garceran et al.).

35 U.S.C. §102(b) – Somoza et al.

The Examiner rejected claims 1-6 as being anticipated by Somoza et al. (U.S. Reference No. 6,336,035). In making the rejection, the Examiner stated:

Regarding claims 1 and 4, Somoza discloses a mobile wireless monitoring device comprising: an antenna for receiving signals from a monitored source; a channel quality measurement device for measuring a channel quality of the received signals; a location determining device for determining locations of the mobile wireless monitoring device; and a processor for storing the channel quality measurements and a location for the channel quality measurements using the determined locations [col. 2: lines 59-62; col. 8: lines 37-57; col. 9: lines 7-9; col. 5: lines 19-30, 54-62]

Regarding claims 2 and 5, Somoza discloses the channel quality measurements include received signal strength, interference and Doppler shift [col. 8: lines 48-50]

Regarding claims 3 and 6, Somoza suggests the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength [col. 8: lines 42-44]

The Somoza et al. reference, in fact, discloses a software program which provides a network planner with a graphical representation of network planning tools. The device in Somoza et al. does graphically display certain measurements entered into it, but the device itself does not perform any measurements. The Somoza et al. device relies on a "driver" to drive around a cell and take particular measurements relating to the cell, and to enter (either remotely or locally) those measurements into the computer system 140 of the Somoza et al. device.

On the other hand, the Applicant's claimed invention in independent claim 1 recites:

A mobile wireless monitoring device comprising:
an antenna for receiving signals from a monitored source;
a channel quality measurement device for measuring a
channel quality of the received signals;
a location determining device for determining locations of
the mobile wireless monitoring device; and
a processor for storing the channel quality measurements
and a location for the channel quality measurements using the
determined locations.

which is nowhere described in the Somoza et al. reference. There is no teaching that the Somoza et al. device contains a "channel quality measurement device for measuring a channel quality of the received signals." Nor is there any indication in the Somoza et al. reference that the Somoza et al. device contains a "location determining device for determining locations of the mobile wireless monitoring device." Indeed, the Somoza et al. device is a central device, not a "mobile wireless monitoring device."

Therefore, the Applicant's claimed invention as claimed in independent claim 1 is patentably distinct from the Somoza et al. reference.

Claims 2 and 3 depend from Applicant's patentable independent claim 1 and are therefore patentable for at least the same reasons as Applicant's patentable independent claim 1.

In addition, Applicant's dependent claim 2 discloses that "the channel quality measurements include received signal strength, interference and Doppler shift" which is neither taught nor suggested by the Somoza et al. reference. Therefore, the Applicant's dependent claim 2 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 1.

Applicant's dependent claim 3 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Somoza et al. reference. Accordingly, Applicant's dependent claim 3 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 1.

The Applicant's independent claim 4 recites:

A mobile wireless monitoring device comprising:
means for receiving signals from a monitored source;
means for measuring a channel quality of the received
signals;
means for determining locations of the mobile wireless
monitoring device; and
means for storing the channel quality measurements and
a location for the channel quality measurements using the determined
locations.

which, similarly to Applicant's independent claim 1, is disclosed nowhere within the pages of the Somoza et al. reference. Accordingly, Applicant's independent claim 4 is patentably distinct from the Somoza et al. reference.

Claims 5 and 6 depend from Applicant's patentable independent claim 4 and are therefore patentable for at least the same reasons as Applicant's patentable independent claim 4.

In addition, Applicant's dependent claim 5 discloses that "the channel quality measurements include received signal strength, interference and Doppler shift" which is neither taught nor suggested by the Somoza et al. reference. Therefore, the Applicant's dependent claim 5 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 4.

Applicant's dependent claim 6 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Somoza et al. reference. Accordingly, Applicant's dependent claim 6 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 4.

35 U.S.C. §102(e) – Garceran et al.

The Examiner rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Garceran et al. (U.S. Reference No. 6,522,888). In making the rejection, the Examiner stated:

Regarding claims 1 and 4, Garceran discloses a mobile wireless monitoring device comprising: an antenna for receiving signals from a monitored source; a channel quality measurement device for measuring a channel quality of the received signals; a location determining device for determining locations of the mobile wireless

monitoring device; and a processor for storing the channel quality measurements and a location for the channel quality measurements using the determined locations [col. 2: lines 7-42; col. 3: lines 15-32; col. 6: lines 32-58]

Regarding claims 2 and 5, Garceran discloses the channel quality measurements include received signal strength, interference and Doppler shift [col. 4: lines 8-20]

Regarding claims 3 and 6, Garceran suggests the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength [col. 4: lines 15-20].

The Garceran et al. reference discloses a system for determining coverage in a wireless communication system. The Garceran et al. reference does not disclose a mobile wireless monitoring device comprising "a channel quality measurement device for measuring a channel quality of the received signals" as is recited in Applicant's independent claim 1. Additionally, the Garceran et al. reference does not disclose a mobile wireless monitoring device comprising "means for measuring a channel quality of the received signals" as is recited in Applicant's independent claim 4.

The Garceran et al. reference does disclose that the wireless device stores and sends signal quality measurements of channels from base stations, but no disclosure is made as to those quality measurements being measured by the wireless device by "a channel quality measurement device" or a "means for measuring a channel quality of the received signals" as is recited in Applicant's independent claims 1 and 4, respectively.

Accordingly, Applicant's independent claims 1 and 4 are patentably distinct from the Garceran et al. reference.

Claims 2 and 3 depend from Applicant's patentable independent claim 1 and are therefore patentable for at least the same reasons as Applicant's patentable independent claim 1.

In addition, Applicant's dependent claim 2 discloses that "the channel quality measurements include received signal strength, interference and Doppler shift" which is neither taught nor suggested by the Garceran et al. reference. Therefore, the Applicant's dependent claim 2 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 1.

Applicant's dependent claim 3 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Garceran et al. reference. Accordingly, Applicant's dependent claim 3 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 1.

Claims 5 and 6 depend from Applicant's patentable independent claim 4 and are therefore patentable for at least the same reasons as Applicant's patentable independent claim 4.

In addition, Applicant's dependent claim 5 discloses that "the channel quality measurements include received signal strength, interference and Doppler shift" which is neither taught nor suggested by the Garceran et al. reference. Therefore, the Applicant's dependent claim 5 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 4.

Applicant's dependent claim 6 recites that "the mobile wireless monitoring device does not utilize outer loop power control when measuring the received signal strength," Disabling power control provides an accurate representation of the actual Signal to Interference Ratio (SIR) and a clear indication of the relative change in SIR. This teaching can be found nowhere within the Garceran et al. reference.

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Accordingly, Applicant's dependent claim 6 is patentable for this reason as well as its dependency from Applicant's patentable independent claim 4.


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The Applicant thanks the Examiner for her consideration and believes the application is in condition for allowance. Early and favorable reconsideration is respectfully solicited.

If the Examiner has any questions, or believes that a telephone conference would advance the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned attorney.

Respectfully submitted,

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